

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**SPECIAL MEETING
July 2, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 2:00 p.m., July 2, 2002, in the Board of Supervisor's Conference Room, Tenth Floor, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, and Mary Rose Wilcox. Absent: Max W. Wilson. Also present: Fran McCarroll, Clerk of the Board; Alma Hernandez, Administrative Coordinator; Sandi Wilson, Deputy County Administrator; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

PRESENTATION: EMERGENCY MANAGEMENT WILDFIRE EFFORTS

Item: Update on efforts regarding the Rodeo-Chediski fire in Northeastern Arizona. (A900)

Robert Spencer, Director, Emergency Management reported that this has been the worst year ever for wildfires in the state of Arizona and provided the following current statistics which change daily:

- 425 homes have been destroyed,
- 475,000 acres of forestland have been burned,
- Over 10,000 individuals have been displaced.

Maricopa County has assisted the State and other counties in response to the Rodeo-Chediski fire by:

- Loaning 500 Maricopa County sheriff's deputies to Navajo County,
- Approving over \$500,000 from the General Fund to assist in the effort,
- Providing 238 hours of management support to the Emergency Operations Center (EOC),
- Assisting the American Red Cross with mass care activities,
- Preparing GIS maps for the State EOC, law enforcement agencies, and FEMA
- Loaning a Maricopa County Emergency Planner to relieve the Navajo County Emergency Manager.

The Rodeo-Chediski fire is expected to be 100% percent contained within the week, but recovery efforts will require months of assistance.

ACTION: INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY AND THE FIRE MANAGEMENT DIVISION OF THE STATE LAND DEPARTMENT

Item: Recommend approval of the Intergovernmental Agreement between Maricopa County and the Fire Management Division of the State Land Department for mutual assistance in responding to emergencies. Term of the agreement begins May 29th, 2002, and expires five years from that date unless terminated by mutual consent prior to that date. Cooperative Fire Rate Agreement(s) consistent with Exhibit A will be developed for various services by the Director of Emergency Management and the State Forester. (C1503002200)

Mr. Spencer explained that this agreement enables the county to recover 100% of costs expended in the response to an emergency, if that response has been requested by the State Land Department, rather than the normal 75% reimbursement through the Arizona Division of Emergency Management. There is no cost to the County for participating in this agreement. There had been a verbal agreement with Emergency Management related to wildfire response on May 29, even before the Rodeo fire, and this agreement would formalize it.

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Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried to approve the item as recommended. (4-0-1)

MARICOPA COUNTY EMERGENCY MANAGEMENT RESOLUTION OF 2002

Item: Recommend adoption of the Maricopa County Emergency Management Resolution of 2002. This resolution updates the Maricopa County Civil Defense Resolution of 1971 to conform to current statutes and to include current names of participating organizations. The new resolution rescinds the 1971 resolution. (C1503003600) (A900)

Mr. Spencer explained that the adoption of the 2002 resolution is necessary to conform with current statutes and includes the current names and titles of participating organizations. Also, acts of terrorism have been added to the definition of what constitutes a disaster and will demonstrate Maricopa County's intentions for implementing programs for homeland defense. Emergency function definitions have also been updated to coordinate with other agencies. The main emphasis of this resolution gives proper authority to the Board of Supervisors to declare emergencies and lend mutual aid to fellow counties and the state.

Supervisor Brock asked whether the County has applied for any federal funds to assist in anti-terrorism efforts. Mr. Spencer responded that have several million dollars have been received, including \$1.7 million from the Department of Justice utilized to purchase first response equipment, with a second installment for approximately \$1.5 million. Public Health has received several million dollars from federal health agencies to combat bio-terrorism. Additional funds are still awaiting congressional appropriation.

On the advice of legal counsel, Fran McCarroll, Clerk of the Board of Supervisors, made a correction to the resolution by deleting the last sentence of Section 2, Part b which read: "The County shall be exempt during such emergency from budget limitations prescribed by A.R.S., Section 42-17104-Section 42-17106."

RESOLUTION

A RESOLUTION ENTITLED MARICOPA COUNTY EMERGENCY MANAGEMENT RESOLUTION OF 2002, RELATING TO MARICOPA COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT, THE EMERGENCY POWERS AND AUTHORITY OF THE BOARD OF SUPERVISORS AND IMPLEMENTING THE PROVISIONS OF A.R.S. SECTION 26-301 et seq.

WHEREAS, the rendition of civil and homeland defense and emergency management is the responsibility of Maricopa County acting unilaterally and in conjunction with the State of Arizona, other political subdivisions and municipalities of the State, the United States of America, and agencies of the private sector, and

WHEREAS, the Board of Supervisors recognizes its responsibility to be prepared to cope with the effects of natural, war caused or other man-made disasters which endanger the life, property and resources of this County, and to provide for the health, welfare and safety of the people of this County, and for the preservation of property, and thus deems it necessary and expedient to adopt this Resolution, and

WHEREAS, the authority to make, amend and rescind orders, rules and regulations necessary for emergency functions, including mutual aid, not inconsistent with those promulgated by the governor of this State, is contained in A.R.S. Section 26-301 et seq., in the emergency plans and programs

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promulgated thereunder, and in the Robert T. Stafford Emergency Assistance Act of 1974, (Public Law 93-288), and

WHEREAS, it is apparent that civil and homeland defense and emergency management activities can primarily be undertaken and discharged most efficiently by existing departments and agencies of County government whose normal activities and capabilities are related to civil and homeland defense and emergency requirements, and

WHEREAS, the State of Arizona has promulgated emergency plans, programs and procedures which are in effect in each political subdivision of the State, including Maricopa County, and the governing body of each such political subdivision is required to take such action as is necessary to carry out the provisions thereof, including the development of additional emergency plans in support of the state emergency plans, and

WHEREAS, it is the purpose of this Resolution to define the emergency powers and authority of the Board of Supervisors and the duties of the Director of the Maricopa County Department of Emergency Management, to create plans and programs related to emergency services, to provide the necessary cooperation and coordination, to the extent possible with similar services of the state, political subdivisions of the state, various agencies of and departments of the federal government and agencies of the private sector.

THEREFORE, IT IS HEREBY RESOLVED by the Maricopa County Board of Supervisors:

Section 1: Definitions

In this Resolution, unless the context otherwise requires,

- a) "Emergency functions" include warning and communications services, relocation of persons from stricken areas, radiological defense, temporary restoration of utilities, plant protection, transportation, welfare, public works and engineering, search or rescue, health and medical services, law enforcement, fire fighting, mass care, resource support, urban search and rescue, hazardous materials, food and energy information and planning and other activities necessary or incidental thereto.
- b) "Emergency management" means the preparedness, response, recovery and mitigation activities necessary to respond to and recover from disasters, emergencies or contingencies.
- c) "Local emergency" means the existence of conditions of disaster or of extreme peril to the safety of persons or property within the territorial limits of Maricopa County, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this County as determined by The Board of Supervisors and which require the combined efforts of other political subdivisions.
- d) "State of emergency" means the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood or flood-water, storm, epidemic, riot, earthquake, or terrorism or other causes, except those resulting in a state of war emergency, which are or are likely to be beyond the control of the services, personnel, equipment and facilities of any single county, city or town, and which require the combined efforts of the state and the political subdivisions.

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- e) "State of war emergency" means the condition which exists immediately whenever this nation is attacked or upon receipt by this state of warning from the federal government indicating that such an attack is imminent.
- f) "Private sector" means all industry, commerce, business or banking; all services other than those provided by the government; and all persons other than those in governmental agencies at any level;

Section 2: Powers

- a) The Board of Supervisors, pursuant to the provisions of A.R.S. Section 26-307, has the power to make, amend and rescind orders, rules and regulations necessary for emergency functions and regulations but such shall not be inconsistent with orders, rules and regulations promulgated by the governor of this State. Such orders, rules or regulations shall be effective when a copy is filed in the Office of the Clerk of the Board of Supervisors of Maricopa County. Existing resolutions, rules and regulations in conflict with A.R.S. Section 26-301 et seq., are suspended during the time of emergency and to the extent that they may conflict.
- b) In a state of war emergency, the Board of Supervisors may waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, incurring obligations, employing permanent and temporary workers, utilizing volunteer workers, renting equipment, purchasing and distributing supplies, materials and facilities and appropriating and expending public funds when the Board of Supervisors determines and declares that strict compliance with such procedures and formalities may prevent, hinder or delay mitigation of the effects of the state of war emergency. ~~The County shall be exempt during such emergency from budget limitations prescribed by A.R.S., Section 42-17104~~ **Section 42-17106**
- c) In the absence of specific authority in state emergency plans and programs, the Board of Supervisors will take emergency measures as deemed necessary to carry out the provisions of A.R.S. Section 26-301 et seq.
- d) This Resolution, upon its adoption, constitutes authority, pursuant to the provisions of A.R.S. Section 26-311, for the Chairman of the Board of Supervisors to declare an emergency and, during such emergency, to govern by proclamation and to impose all necessary regulations to preserve the peace and order of the unincorporated areas of Maricopa County, including, but not limited to
 - 1) Imposition of curfews in all, or portions of the County.
 - 2) Ordering the closing of any business.
 - 3) Closing to public access any public building, street, or other public place.
 - 4) Calling upon regular or auxiliary law enforcement agencies and organizations within or without the County for assistance.
 - 5) Notifying the constitutional officers that the county office for which they are responsible may remain open or may close for the emergency.

In periods of local emergency, including an emergency declared by the Chairman of the Board of Supervisors, pursuant to A.R.S. Section 26-311 (A), the County has full power to provide mutual aid to any affected area in accordance with state law, local ordinances, resolutions, emergency plans or agreements therefor.

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Section 3; Duties of Director

The Director of the Maricopa County Department of Emergency Management, subject to the direction and control of the Board of Supervisors, shall be responsible for the organization, administration and operation of Maricopa County emergency management activities. In accordance with the provision of A.R.S. Section 26-312, the Director may, on behalf of the County, accept for purposes of emergency services an offer of the Federal Government or an agency thereof, or an offer of any person, firm or corporation of services, equipment, supplies, material or funds, whether by gift, grant or loan.

There is hereby granted to the Director the authority,

a) During non-emergency periods:

1. To coordinate County emergency management operations plans, procedures, programs and other civil and homeland defense and emergency management activities with Federal agencies, State of Arizona, adjoining County agencies, political subdivisions and municipalities of the State and with the private sector.
2. To ensure compliance with the provisions of A.R.S. Section 26-301 et seq.
3. To ensure conformance with State emergency plans and procedures.
4. To achieve adequate operational readiness, adequacy of training programs and proper utilization of civil and homeland defense, emergency equipment and supplies.
5. To make such studies and surveys of the private sector as may be necessary to ascertain the capabilities of the County for civil and homeland defense and emergency management, and to plan for the most efficient use thereof.
6. To recommend to the County chief administrative officer, for delegation to the various departments and agencies of the County, appropriate civil and homeland defense and emergency management responsibilities; and to coordinate the emergency activities of all such departments and agencies.

b) During emergencies:

1. To coordinate the emergency activities of all Maricopa County Departments and agencies.
2. To coordinate the emergency activities of Maricopa County with Federal agencies, State of Arizona, adjoining county agencies, political subdivisions and municipalities of the State, and with the private sector, to achieve the most effective use of personnel, equipment, services, facilities, and other existing available resources.
3. To utilize the services, resources and facilities of existing departments and agencies of County government; and, when necessary, to create new agencies or call upon the private sector to perform emergency tasks and functions unavailable in departments and agencies of the County.

Section 4; Enforcement

The law enforcement authorities of the County shall enforce all orders, rules and regulations issued pursuant to this Resolution.

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Section 5: Immunity

Maricopa County, its officers, agents, employees and volunteers duly enrolled or registered with the Maricopa County Department of Emergency Management, and unregistered persons placed into services during a declared emergency, are immune from liability as provided in A.R.S. Section 26-314.

Section 6: Severability

It is intended that the provisions of this Resolution are severable. If any part thereof is declared invalid for any reason, such determination shall not affect the remaining provisions thereof.

Section 7: Repeal

The County Civil Defense and Emergency Services Resolution of 1971, as amended, is hereby repealed.

DATED this 2nd day of July 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried to approve the item as amended. (4-0-1)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Don Stapley, Chairman of the
Board

ATTEST:

Fran McCarroll, Clerk of the Board